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STATE PLANT BOARDTITLE 7--AGRICULTURE  
CHAPTER III--BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE  
PART 319--FOREIGN QUARANTINE NOTICES  
SUBPART--FRUITS AND VEGETABLESIMPORTATION OF VINIFERA GRAPES AND CERTAIN OTHER DECIDUOUS  
FRUITS SUBJECT TO IN-TRANSIT STERILIZATION AUTHORIZED

On October 16, 1947, notice of proposed rule making was published in the Federal Register (12 F. R. 6785) regarding the proposed amendment of the in-transit sterilization requirements for grapes of the Vinifera type and certain other fruits, as provided in administrative instructions supplemental to the Fruit and Vegetable Quarantine No. 56 (7 CFR 319.56-2e; B. E. P. Q. 464, September 15, 1937). After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice, and pursuant to the authority contained in the Plant Quarantine Act (37 Stat. 316, 7 U.S.C. 159) the administrative instructions in §319.56-2e are hereby amended to read as follows:

§ 319.56-2e Administrative instructions; importation of Vinifera grapes and certain other deciduous fruits subject to in-transit sterilization authorized. It has been determined that the refrigeration treatment prescribed in 7 CFR 319.56-2d (B. E. P. Q.--463), as a condition for the entry of Vinifera grapes from regions in which the Mediterranean fruit fly occurs, can be completed while the fruit is in transit on ships equipped with adequate refrigeration facilities, provided the grapes have been cooled to the proper temperature before loading in refrigerated holds in the carrying vessels. It has also been determined that certain other deciduous fruits can be similarly treated.

The treatment prescribed in 7 CFR 319.56-2d (B. E. P. Q.--463), requires the cooling of the grapes until the approximate center of the fruit in the package reaches a temperature of 34° F. and holding it at or below that temperature for a period of 12 days. It has further been determined that cooling of grapes and certain other deciduous fruits until the approximate center of the fruit in the package reaches a temperature of 36° F. and holding it at or below that temperature for a period of 16 days is also a sufficient sterilization.

On the basis of the above determinations and under the authority of the regulation in 7 CFR Cum. Supp. § 319.56-2 (regulation 2 of the rules and regulations supplemental to Notice of Quarantine No. 56), grapes of the Vinifera type, and such other deciduous fruits as may be approved in the permit, which are prohibited entry in the fresh state because of the Mediterranean fruit fly, may be entered under the following conditions:

- (a) Before being loaded they shall be cooled to a temperature of 32° F. under the supervision of an official designated by the Secretary of Agriculture; or one holding a comparable position, in the country concerned, in a plant approved for the purpose by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.
- (b) The temperature of the grapes or other deciduous fruits shall in no case rise above 33° F. between the time they are taken

from the precooling plant and the required refrigeration treatment is begun on the carrying vessel.

- (c) The grapes or other deciduous fruits shall be held at a temperature of 34° F. or below for a period of 12 days, or at a temperature of 36° F. or below for a period of 16 days. Such treatment shall be applied only in vessels which have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, and in particular holds or compartments designated by that Bureau for this purpose. Treatments must be completed in the holds or compartments in which they are begun.
- (d) Each container of grapes or other deciduous fruits to be imported into the United States under the provisions of this section shall be marked by an appropriate label, or stencil, or stamp impression, which will enable identification at all times.
- (e) A certificate shall be issued in triplicate by an official designated by the Secretary of Agriculture or one holding a comparable position, in the country concerned, indicating compliance with the provisions of paragraphs (a) and (b) of this section. In addition this certificate shall give the identifying marks prescribed in paragraph (d). The signatures and official position of those designated to sign this certificate shall be submitted to the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture in quadruplicate.
- (f) The original and one copy of the certificate required in paragraph (e) of this section shall be verified by the American Consul at the port of export and shall accompany the shipment and be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of entry. The third copy will be retained by the consular office verifying the certification.
- (g) When requested, applicants for permits to import Vinifera grapes and certain other deciduous fruits under the provisions of this section shall furnish or arrange to have furnished, blue prints, plans, specifications, or such other information as may be deemed necessary for considering precooling plants or carrying vessels, for approval by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.
- (h) When requested, provisions shall be made to authorize representatives of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, to inspect and carry on such tests as may be deemed necessary in or on precooling plants and carrying vessels for which approval has been requested under the provisions of this section.
- (i) No permits will be issued for the importation of Vinifera grapes or other deciduous fruits under the provisions of this section until the precooling plant at the port of loading and the hold,

holds, or compartments of the carrying vessels in which the prescribed in-transit treatment is to be given have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

- (j) Carrying vessels must be equipped with approved temperature-recording instruments located, installed, operated, and maintained in a manner to be prescribed by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, for each vessel.
- (k) Not more than 3 days prior to the lading of grapes or other deciduous fruits to be given in-transit sterilization as provided in this section, the temperature-recording instruments of the hold, holds, or compartments approved for the purpose shall be tested for accuracy by an official designated by the Secretary of Agriculture, on one holding a comparable position, in the exporting country, and the thermograph record shall bear an endorsement of said official in form approximately as follows:

Port of Export \_\_\_\_\_

Date \_\_\_\_\_

The instruments installed for recording temperature within compartment

\_\_\_\_\_ of the S. S. or M. S. \_\_\_\_\_ which

compartment is loaded with \_\_\_\_\_ covered by pre-

cooling certificate No. \_\_\_\_\_ of the \_\_\_\_\_  
(Name of certifying Government)

\_\_\_\_\_, were tested by me at the place and on the date above indicated, agency)

and were accurate to within \_\_\_\_\_ ° F.

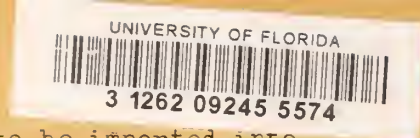
(If no adjustments were necessary, add a statement to that effect. If adjustments were made, add a statement indicating their character.)

Signature \_\_\_\_\_

(Title of Certifying Officer.)

- (1) For entry under the provisions of this section, there shall be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of transshipment or at the port of entry, the original thermograph record showing the temperatures maintained in the holds or compartments in which the fruit concerned was sterilized. When necessary, additional photostatic copies of such records shall be provided at the expense of the permittee.





- (m) Vinifera grapes or other deciduous fruits to be imported into the United States under the provisions of this section shall not be unloaded from the carrying vessel until evidence satisfactory to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has been furnished showing that the grapes or other deciduous fruits have received the refrigeration treatment prescribed in this section.
- (n) Whenever grapes or other deciduous fruits are offered for entry under the provisions of this section and it cannot be established to the satisfaction of the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture that they have received the required refrigeration treatment, they shall either remain on the vessel under safeguards prescribed by the inspector of the Bureau of Entomology and Plant Quarantine and under seal of the Bureau of Entomology and Plant Quarantine, or they shall be transported beyond the territorial limits of the United States under such safeguards as shall be prescribed by the inspector.
- (o) Vinifera grapes or other deciduous fruits may be imported under the provisions of this section throughout the year and no restrictions are placed on the character of containers in which they shall be packed.
- (p) In authorizing the entry of Vinifera grapes and certain other deciduous fruits into the United States in accordance with the provisions of this section, it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to the fruit or its rejection. The treatment required for the entry of fruit under the provisions of this section represents a requirement considered necessary for the elimination of pest risk and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruit offered for entry under the provisions of this section.

Inasmuch as this revision is a relieving of restriction, good cause is found for making the effective date hereof less than 30 days after its publication in the Federal Register.

(Sec. 5, 37 Stat. 316; 7 U.S.C. 159; 7 CFR §319.56-2.)

This revision shall be effective on December 31, 1947 and shall then supersede B. E. P. Q. 464 (7 CFR § 319.56-2e), effective September 15, 1937.

Done at Washington, D. C., this 24th day of November 1947.

A handwritten signature in dark ink, appearing to read "P. N. Annand".

P. N. ANNAND

Chief, Bureau of Entomology  
and Plant Quarantine